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10/676,802	09/30/2003	Thomas Chadzelek	09700.0054-00	3771

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EXAMINER	
AUGUSTINE, NICHOLAS	
ART UNIT	**PAPER NUMBER**
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/676,802	CHADZELEK ET AL.	
	Examiner	Art Unit	
	Nicholas Augustine	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *27 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/27/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

A. In response to the following communications: Amendment filed 03/27/2007. This action is made **FINAL**.

B. Claims 1,3-31 remain pending. Claims 1,4,5,9,13,18.23 and 27 are amended and claim 2 is cancelled.

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no mention of "computer-readable storage medium" lacks antecedent basis. There is a mention of"machine readable storage", but the term "computer-readable storage medium" is not found in the specification.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1,3-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft in view of David A. Karp et al, Windows XP In A Nutshell, April 2002, O'Reilly First Edition.

Note: Windows Explorer is the Graphical Shell used by the Microsoft Windows XP Professional Operating System.

As for independent claims 1 and 18, Microsoft teaches a computer program product and corresponding method (fig.1), tangibly embodied on an information carrier, for navigating user interface elements of a computer program application (fig.2), the product comprising instructions operable to cause data processing apparatus to: detect a navigation key press of a navigation key, the navigation key having a group identifier (fig.2; e.g.- Document1 and fig.5; e.g. "3 Main"), the navigation key being a forward navigation key or a backward navigation key (arrow keys, tab and shift + tab keys); identify a selected group of user interface elements associated with the group identifier (fig.5 "child nodes"); and shift input focus to a user interface element in the selected group based on the navigation key (fig.5; wherein the user can select objects through manipulation of the keyboard, e.g. arrow keys, context menu key, shift-x, alt -x,

assigned hot keys, etc...). However Microsoft does not expressly point out and describe *wherein, when the navigation key is pressed, a current group and a target group of user interface elements is determined, when the navigation key is the forward navigation key, input focus is shifted to a next user interface element in the current group if the current group is the same as the target group, or input focus is shifted to a first user interface element in the target group if the current group is not the same as the target group, and when the navigation key is backward navigation key I, input focus is shifted to a previous user interface element in the current group if the current group is the same as the target group, or input focus is shifted to a last user interface element in the target group if the current group is not the same as the target group.* One of ordinary skill in the art would realize that Microsoft in view of Karp teaches a current group and target group as depicted in figure 3, such as when the user presses ALT the user is in the current group (parent group control UI elements) pending on the user desire of which menu group to activate the user can select groups using the forward navigation button (right arrow; on the keyboard) to go through the current group being that this is the target group however if this is not the target group of the user then pressing the sibling forward navigation button (down arrow; on the keyboard) will go through in a forward manner to next control elements in this target group. There is also provided additional controls for sibling control group (tab "forward navigation" and tab + shift "backward navigation). Just like the forward navigation the user is presented with backward navigation (left arrow and down arrow) for navigation is target groups of parents and sibling context groups. It would have been obvious to one of ordinary skill in the art at

the time the invention was made to combine Karp into Microsoft, because Karp discloses the same software product of Microsoft.

As for dependent claims 3-8 and 19-22, Microsoft teaches the product of claim 1 and corresponding method of claim 18, wherein:

- the user interface elements have associated text labels, and wherein the user interface elements associated with the group identifier are user interface elements having an associated text label with a first character that matches the group identifier (fig.5; "3 Main" and "3 Home").
- a character matches a group identifier if both are the same character regardless of character case (fig. 5).
- a character matches a group identifier if both are the same character in the same case (fig. 5).
- group the user interface elements into groups based on the first character of the associated text label of the elements at application run time (fig.5; of course, those skilled in the art will appreciated that when the user activates the root node/ or parent node to display children nodes in the explorer window that the list is read from a file and then drawn to the screen, dynamically; hence the graphics of the menus were not there before hand.)
- group only the user interface elements in a current screen of the application into groups based on the first character of the associated text label (fig.5;

wherein it is appreciated that the list are user defined, the function "sort by name" if clear to sort/organize the list by first characters of a control).

As for independent claims 9 and 23, Microsoft teaches a computer program product and corresponding method, tangibly embodied on an information carrier, for a software application having user interface elements, the product comprising instructions operable to cause data processing apparatus to: detect a sequence of one or more navigation key presses of navigation keys (fig.2, 3,5; wherein the user can use the operating system defined keyboard control keys, shortcuts, hot keys, etc...), each navigation key having a group identifier (fig.5; wherein the user presses a navigation key and it is assigned to the location of the group identifier; for instance if the user presses "Alt-f" the group identifier for that key is the file context menu to which focus it shifted towards), each navigation key being a forward navigation key or a backward navigation key (fig.3; wherein the keyboard has defined functionality given by the operating system such as the left and right arrows and the tab and shift-tab controls, etc..); generate a navigation string from the sequence of one or more group identifiers for the one or more navigation keys (fig.2 and 3; e.g. alt-tab and alt-x; of course, those skilled in the art will appreciate that a keyboard string (alt-x) can be used as defined by the operating system); and shift input focus to a user interface element identified by the navigation string (fig.2 and 3; e.g. alt-tab and alt-x). However Microsoft does not expressly point out and describe *wherein, when the navigation key is pressed, a current group and a target group of user interface*

elements is determined, when the navigation key is the forward navigation key, input focus is shifted to a next user interface element in the current group if the current group is the same as the target group, or input focus is shifted to a first user interface element in the target group if the current group is not the same as the target group, and when the navigation key is backward navigation key I, input focus is shifted to a previous user interface element in the current group if the current group is the same as the target group, or input focus is shifted to a last user interface element in the target group if the current group is not the same as the target group. One of ordinary skill in the art would realize that Microsoft in view of Karp teaches a current group and target group as depicted in figure 3, such as when the user presses ALT the user is in the current group (parent group control UI elements) pending on the user desire of which menu group to activate the user can select groups using the forward navigation button (right arrow; on the keyboard) to go through the current group being that this is the target group however if this is not the target group of the user then pressing the sibling forward navigation button (down arrow; on the keyboard) will go through in a forward manner to next control elements in this target group. There is also provided additional controls for sibling control group (tab "forward navigation" and tab + shift "backward navigation). Just like the forward navigation the user is presented with backward navigation (left arrow and down arrow) for navigation is target groups of parents and sibling context groups. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Karp into Microsoft, because Karp discloses the same software product of Microsoft.

As for dependent claims 10-12 and 24-26, Microsoft teaches the product of claim 9 and corresponding method of claim 23, wherein instructions to detect a sequence of one or more navigation key presses comprise instructions to:

- detect a sequence of forward navigation key presses (fig.7), the sequence having a first navigation key press and a last navigation key press (fig.3, left and right arrows, etc); initialize the navigation string when the first navigation key press is detected (of course those skilled in the art will appreciate that when the user presses a key sequence/ string of keys the operating system listener for that program will communicate and act on the keys pressed; start a time out interval with each forward navigation key press; and determine the last navigation key press as the key press after which no forward navigation key presses are detected within the time out interval.
- detect a sequence of backward navigation key presses, the sequence having a first navigation key press and a last navigation key press; initialize the navigation string when the first navigation key press is detected; start a time out interval with each backward navigation key press (associated with the listener of the operating system); and determine the last navigation key press as the key press after which no backward navigation key presses

are detected within the time out interval (note the above analysis of forward navigation).

- shift input focus to a next user interface element having a text label starting with the same characters as the characters in the navigation string, if the navigation key is a forward navigation key; and shift input focus to a previous user interface element having a text label starting with the same characters as the characters in the navigation string, if the navigation key is a backward navigation key (fig.2,3 and 5; wherein focus is being shown).

As for independent claims 13 and 27, Microsoft teaches a computer program product and corresponding method, tangibly embodied on an information carrier, tangibly embodied on an information carrier, for providing activation keys for user interface elements of a computer program application, the product comprising instructions operable to cause data processing apparatus to: detect an ensemble of sequential activation key presses, each activation key comprising a character (note the analysis of claims 1 and 9), thereby detecting a sequence of characters; identify a matching activation user interface element by finding an activation user interface element having a label matching the sequence of characters; and perform an action associated with the matching activation user interface element (note the analysis of claims 1 and 9; e.g. the user presses alt-x, wherein x is related to a character of a control so the user can scroll through the parent nodes of selection based on character association). However Microsoft does not expressly point out and describe

wherein, when the navigation key is pressed, a current group and a target group of user interface elements is determined, when the navigation key is the forward navigation key, input focus is shifted to a next user interface element in the current group if the current group is the same as the target group, or input focus is shifted to a first user interface element in the target group if the current group is not the same as the target group, and when the navigation key is backward navigation key I, input focus is shifted to a previous user interface element in the current group if the current group is the same as the target group, or input focus is shifted to a last user interface element in the target group if the current group is not the same as the target group. One of ordinary skill in the art would realize that Microsoft in view of Karp teaches a current group and target group as depicted in figure 3, such as when the user presses ALT the user is in the current group (parent group control UI elements) pending on the user desire of which menu group to activate the user can select groups using the forward navigation button (right arrow; on the keyboard) to go through the current group being that this is the target group however if this is not the target group of the user then pressing the sibling forward navigation button (down arrow; on the keyboard) will go through in a forward manner to next control elements in this target group. There is also provided additional controls for sibling control group (tab "forward navigation" and tab + shift "backward navigation). Just like the forward navigation the user is presented with backward navigation (left arrow and down arrow) for navigation is target groups of parents and sibling context groups. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Karp into Microsoft, because Karp discloses the same software product of Microsoft.

As for dependent claims 14-17 and 28-31, Microsoft teaches the product of claim 13 and corresponding method of claim 27, wherein instructions to detect an ensemble comprise instructions to:

- detect a sequence of one or more characters that uniquely identifies an activation user interface element (note analysis of claim 13, 1 and 9; "alt-x", etc...).
- the sequence of one or more characters is a sequence of identical group identifiers (note the analysis of claims 13, 1 and 9; "alt-x", etc).
- detect one or more sequential activation key presses entered by a user within a time threshold (note the analysis of claims 1,9 and 13; wherein the operating system has a listener for the explorer application to listen for user imputer from peripheral devices.)
- the pressing and releasing of an activation modifier key delimits the activation key presses in the ensemble (of course those skilled in the art will appreciate that if the user presses a key command on the keyboard that the listener will send command with the appropriate action associated with the appropriate control).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 3-7,20 and 21 are rejected under 35 U.S.C. 103(a) as unpatentable by Microsoft in view of Karp or, in the alternative, under 35 U.S.C. 103(a) as obvious over Microsoft in view of Karp in further view of Benhase et al (US 2004/0243616). Microsoft in view of Karp teaches as mentioned above, but in more support Benhase teaches:

- the user interface elements have associated text labels, and wherein the user interface elements associated with the group identifier are user interface

elements having an associated text label with a first character that matches the group identifier (fig.3;par.36).

- a character matches a group identifier if both are the same character regardless of character case (fig.3;par.36).
- a character matches a group identifier if both are the same character in the same case (fig.3;par.36).
- group the user interface elements into groups based on the first character of the associated text label of the elements at application run time (fig.3;par.36).
- group only the user interface elements in a current screen of the application into groups based on the first character of the associated text label (fig.3;par.36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the product/ method of Microsoft into the product/ method of Benhase. This is true because the windows explorer a tree based file directory can be displayed adjacent to a list or table of files and associated information on the computer monitor. For example, the tree may indicate various directories and subdirectories (controls, links to) arranged in an expandable and collapsible format (par.4, lines 4-10).

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ

1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments filed 03/27/2007 have been fully considered but they are not persuasive.

- *Applicant argues that Microsoft does not teach the terms "current group" and "target group"; therefore does not teach "wherein, when the navigation key is pressed, a current group and a target group of user interface elements is determined, when the navigation key is the forward navigation key, input focus is shifted to a next user interface element in the current group if the current group is the same as the target group, or input focus is shifted to a first user interface element in the target group if the current group is not the same as the target group, and when the navigation key is backward navigation key I, input focus is shifted to a previous user interface element in the current group if the current group is the same as the target group, or input focus is shifted to a last user interface element in the target group if the current group is not the same as the target group.*
- Examiner does not agree. The above argument is new limitation brought forth by amendment and is analyzed in the above claims 1,9,13,23,27 analysis. Analysis will be repeated here for purposes of response to the above argument. Microsoft in view of Karp teaches a current group and target group as depicted in figure 3, such as when the user presses ALT the user is in the

current group (parent group control UI elements) pending on the user desire of which menu group to activate the user can select groups using the forward navigation button (right arrow; on the keyboard) to go through the current group being that this is the target group however if this is not the target group of the user then pressing the sibling forward navigation button (down arrow; on the keyboard) will go through in a forward manner to next control elements in this target group. There is also provided additional controls for sibling control group (tab "forward navigation" and tab + shift "backward navigation). Just like the forward navigation the user is presented with backward navigation (left arrow and down arrow) for navigation is target groups of parents and sibling context groups.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Augustine
Examiner
AU: 2179

WEILUN LO
SUPERVISORY PATENT EXAMINER